



**KENTUCKY PUBLIC PRIVATE PARTNERSHIPS
CHECKLIST & GUIDE FOR PRIVATE ENTITIES
P3.KY.GOV**

So, you are interested in a long-term contract between yourself, a private entity, and an agency of the Commonwealth of Kentucky, to provide a public asset or service, in which you bear significant risk and management responsibility, and remuneration is linked to performance...also known as a public-private partnership (“P3”), what now? Below you will find a simple outline of the steps to submit an unsolicited proposal to the Commonwealth. *Please note, this checklist and timeline is subject to change, pending any legislative changes; this checklist includes all changes passed during the 2017 legislative session.*

YOU COME UP WITH A BRIGHT IDEA!

You have an idea that you think could benefit both yourself or your company and the Commonwealth of Kentucky.

DRAFT AN UNSOLICITED PROPOSAL.

Your team drafts an unsolicited proposal, pursuant to KRS 45A.077(12), i.e. a business plan, to submit to the agency you are interested in partnering with on the project. Please note, the agency in question cannot assist you in drafting or producing the unsolicited proposal due to ethical guidelines. An “unsolicited proposal” is just that – unsolicited. It must be independently generated without the direct assistance of the governmental entity.

MAKE SURE THAT ALL UNSOLICITED PROPOSAL MINIMUM REQUIREMENTS ARE MET. Pursuant to KRS 45A.077(4), the following items, *at a minimum*, must be included in your unsolicited proposal.

- The parameters of the proposed P3 project.
- The duties and responsibilities to be performed by the private partner or partners.
- The methods of oversight to be employed by the contracting body.

- The duties and responsibilities that are to be performed by the contracting body and any other partners to the contract.
- Plans for financing and operating the qualifying project, and the revenues, service payments, bond financings, and appropriations of public funds that may be required for the qualifying project.
- Comprehensive documentation of the experience, capabilities, capitalization and financial condition, and other relevant qualifications of the private entity.
- The ability of the private partner or partners to respond promptly to the need, and the importance of economic development opportunities represented by the qualifying project.

YOU MAKE A FULL VERSION AND A REDACTED VERSION OF YOUR UNSOLICITED PROPOSAL.

There are actually two versions that you are producing to the agency and the Finance and Administration Cabinet – one is the full, un-redacted version, which may include proprietary information; the second is a redacted version that may be released in response to an Open Records Request, in the event the project goes forward with the drafter of the unsolicited proposal.

SUBMISSION TO THE PROPER PEOPLE.

You submit the unsolicited proposal to the agency contact (on the web site) that you are interested in partnering with, as well as a courtesy copy to the Finance and Administration Cabinet. Contacts for each Commonwealth Cabinet are on the www.P3.ky.gov web site and you will be able to contact them via email with procedural questions.

WHAT HAPPENS NEXT?

Upon receipt of the unsolicited proposal, the agency has **90 days** to evaluate the proposal and decide whether to consider further action on the proposal. If the Agency chooses to take action on the unsolicited proposal, it shall provide public notice, via the Commonwealth’s E-Procurement web site (active now) and on the P3.ky.gov web site (once operational).

***The actual unsolicited proposal received by the Agency will not be posted online.** Instead, all proprietary information is kept confidential, and a summation paragraph by the Agency is posted for a period ranging from 30-90 days, dependent upon the estimated cost of the project, during which time, the Commonwealth may accept competing proposals.

Please note, posting of the proposal online is your notice that the Commonwealth is interested. You will not receive any other notification. Additionally, the Commonwealth is not allowed to communicate with bidders regarding anything other than the P3 process during this posting period.

Initial Unsolicited Proposal Posting Periods Mandated in KRS 45A.077

| Estimated Value of Unsolicited Proposal | Mandatory Posting Time |
|--|-------------------------------|
| Below \$5,000,000 | 30 Days |
| \$5,000,000 - \$25,000,000 | 60 Days |
| Over \$25,000,000 | 90 Days |

**Projects over \$25,000,000 also require legislative approval. KRS 45A.077(8).*

Upon the end of the notice period, the Agency may consider the unsolicited proposal and any competing proposals received. If it is in the best interest of the Commonwealth, the Agency will issue a Request for Proposal (P3-RFP) for the specified project, to which the private entities respond under a competitive procurement process. Upon selection of the bidder whose proposal is the best value and the most appropriate for the agency’s needs, negotiation may then proceed between the bidder and the agency. Last, but not least, a contract shall be issued with the agreed upon terms.

For questions or clarifications, call 502-564-4510 from 8 a.m. to 5 p.m. (eastern)
or send an email to P3.custodian@ky.gov.



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